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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,121	11/05/1999	HIDEMI SASAKI	Q56632	3518

7590

09/16/2003

SUGHRUE MION ZINN MACPEAK & SEAS PLLC  
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EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/434,121**

Applicant(s)  
**Sasaki et al**

Examiner  
**Mark Wallerson**

Art Unit  
**2626**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 2, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-9 and 13-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |                                                                                               |                                                                             |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:                                          |

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### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on 7/2/2003.
2. This application has been reconsidered. Claims 4-9 and 13-17 are pending.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 7, 8, 13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon (U. S. 5,208,902) in view of Numata et al (Numata) (U. S. 5,870,114).

With respect to claims 4 and 13, Kumon discloses a printer in which a plurality of types of recording medium are usable (column 1, lines 59-65), comprising an input section operable to automatically input information representing the types of recording material, wherein the types of recording material has at least one printing region having a shape different from a printing region of other types of recording material (which reads on A5, A4, or A3 recording paper) (column 6, lines 31-64); a printer body (figure 2), the type information indicates a size and type (kind) of recording material (column 1, lines 31-50, column 3, lines 33-57 and column 6, lines 31-54), a

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loading slot formed in the printer body (figure 2); a sheet supply container (41 or 42) removably set at the loading slot for containing the recording material which is secured (contained in) the sheet supply container (figure 2); wherein the input section includes a first contact pattern (47) for outputting type information (column 3, lines 33-44), and a second contact pattern (45 and 46) connected with a controller for contacting the first contact pattern in response to setting of the sheet container in the slot (figure 3; column 3, lines 33-44 and column 4, lines 20-33).

Kumon differs from claims 4 and 13 in that although he discloses setting print modes (column 4, lines 1-2), he does not clearly disclose setting/designating the print mode(s) in accordance with the type information and printing (or laying out) an image to the recording material in accordance with the print mode.

Numata discloses an image recording apparatus wherein a copying mode is set in correspondence with the determined sheet size (figure 35 and column 21, lines 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon to set/designate the print mode(s) in accordance with the type information and printing (or laying out) an image to the recording material in accordance with the print mode. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon by the teaching of Numata in order to improve the recording process.

With regard to claim 5, Kumon discloses the first contact is disposed at the from end of the sheet container (figure 3), and the second contact pattern is a pin shaped member disposed in the loading slot and directed toward the container (45, figures 2 and 3).

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With respect to claims 7 and 15, Kumon discloses generating an alarm signal when lack of reading of the information type occurs (column 13, lines 53-56).

With regard to claims 8 and 16, Kumon discloses the printer connectable to a display device (C).

5. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon in view of Numata as applied to claims 4 and 13 above, and further in view of Lindstrom.

Kumon as modified differs from claims 6 and 14 in that he does not clearly disclose the information recording material is a ROM. Lindstrom a printer system for printing on different types of recording medium comprising a ROM for storing type data (column 3, lines 54-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon as modified to make the information recording material a ROM. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon as modified by the teaching of Lindstrom in order to improve processing.

6. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon in view of Numata as applied to claims 4 and 13 above, and further in view of Yamashita.

With respect to claims 9 and 17, Kumon as modified differs from claims 9 and 17 in that he does not clearly disclose the material type is sticker type. Yamashita discloses the material is a

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standard type (ordinary paper) and a sticker type (label) (column 3, lines 41-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon as modified wherein the material type is sticker type. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon as modified by the teaching of Yamashita in order to give the user a greater variety of recording medium from which to choose from.

***Response to Arguments***

7. Applicant's arguments filed 7/2/2003 have been fully considered but they are not persuasive.

Applicant submits that the cited references do not disclose the type information indicating a size and type of recording material. The Examiner disagrees.

Kumon discloses that the printing section comprises an input section operable to automatically input information representing the types (kinds) of recording material, wherein the types of recording material has at least one printing region having a shape different from a printing region of other types of recording material (which reads on A5, A4, or A3 recording paper) (column 6, lines 31-64), the type information indicating a kind (type) and size of recording material (column 3, lines 27-57).

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*Conclusion*

8. All claims are rejected.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

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MARK WALLERSON  
PRIMARY EXAMINER

Mark Wallerson